

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

March 13, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No: 07kd-012

KAUAI

Amend Prior Board Action of June 12, 1992, Item F-14, February 9, 2007, Item D-4, and September 14, 2007, Item 2; Authorization to Withdraw Land from the Operation of General Lease No. S-4413 and Right-of-Entry to the Department of Transportation, Highways Division for Contra-Flow Road Purposes, Wailua, Kawaihau, Lihue (Puna), Kauai; Tax Map Key: (4) 3-9-006:001 por. and 012

BACKGROUND:

In 1992, the Department of Transportation, Highways Division (DOT), requested the use of the subject lands for contra-flow road purposes during peak hours until the completion of Kapaa Bypass Road, which was at that time expected to take approximately ten years. On June 12, 1992, under agenda item F-14, the Board authorized the request.

On February 9, 2007, (Item D-4) and September 14, 2007 (Item D-2), the Board amended its prior action to accommodate the request from DOT on the revised plan regarding the set aside and construction right-of-entry for certain parcels. A copy of the September 14, 2007 submittal is attached as Exhibit A.

REMARKS:

Exhibit B shows the area (colored in blue, with an area of about 0.859 acre) to be withdrawn from Governor's Executive Order No. 3703 under the Division of State Parks (State Parks). The road improvements will be confined to the existing DOT right-of-way. A portion of the State land (0.43 acre) is being requested for the bike-pedestrian path. The land between the two roadways (0.429 acre) is for the connector road and open space between the roadways. Under the proposed action, concurrence from State Parks is required prior to the issuance of the requested executive order.

During the review of the construction plans for improvements to the cane-haul road and bridge, State Parks notified DOT that the requested area was designated 6(f) because federal grant funds from the Land and Water Conservation Fund (LWCF) program were used to acquire and develop

portions of Wailua River State Park. A 6(f) property can only be used for outdoor recreation and if another use is proposed, the land being taken out of recreation is subject to a conversion where replacement land must be provided for recreation. Any transfer of 6(f) properties is subject to the approval of the National Park Service (NPS), which administers the LWCF program.

A stub-out for the Lydgate Park portion of the Ke Ala Makalae (coastal bike/pedestrian path from Nawiliwili to Anahola) has already been constructed to the south of the cane-haul road in a portion of the area proposed for transfer to DOT. The path will be extended to the north and run along the makai side of the bridge. Because this area will remain in outdoor recreation for biking and walking, State Parks and the NPS have no concerns regarding the transfer of this portion of the State Park property.

State Parks and NPS expressed concerns about the connector road that has been built on the 6(f) land between the cane-haul road and Kuhio Highway. DOT indicated that improvements would be made to this connector road but its purpose was to allow traffic to enter and exit the Marina Road from the cane-haul road and thereby facilitate access to the recreation activities along the river and the Marina Section of Wailua River State Park. DOT has been informed that to comply with the 6(f) requirements, they must maintain the 0.429-acre area between the two roadways in open space and the connector road can only be used to provide park access. State Parks will be requesting approval of the transfer from NPS subject to the above conditions.

Pursuant to past Board actions, a construction and management right-of-entry until February 8, 2010, or until the issuance of the executive order was issued to DOT. In view of the pending approval from NPS, staff recommends the Board authorize the Chairperson to extend the right-of-entry for good cause.

Further, the area marked yellow on Exhibit B is required by DOT for construction purposes. State Parks will request approval from NPS to use this yellow area for a maximum period of six (6) months. Staff recommends the Board include this area as a portion of the right-of-entry area.

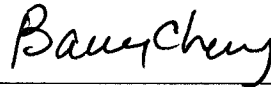
RECOMMENDATION: That the Board amend its prior Board actions of June 12, 1992(item F-14), February 9, 2007 (item D-4), September 14, 2007 (item D-2) by stipulating:

1. a. The proposed set aside is subject to NPS granting approval for the transfer and if approval is denied based on the requirements of the LWCF program, DOT agrees to follow any necessary requirements for a conversion and provide equivalent land to satisfy the federal recreational use restriction.
- b. The 6(f) designation will remain with the property being transferred and the 0.859 acre property shall be subject to all the requirements of the LWCF program, including outdoor recreation use and conversion if other uses are proposed.
2. The construction and management right-of-entry area shall include the yellow area

shown on Exhibit B, subject to this area being used for a period of six (6) months only.



3. Authorizing the Chairperson to extend the construction and management right-of-entry, except the yellow area mentioned in 2 above, for good cause.

Respectfully Submitted,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

070D-012

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

September 14, 2007

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No: 070d-012

KAUAI

Amend Prior Board Action of June 12, 1992, Item F-14, and February 9, 2007, Item D-4, Authorization to Withdraw Land from the Operation of General Lease No. S-4413 and Right-of-Entry to the Department of Transportation, Highways Division for Contra-Flow Road Purposes, Wailua, Kawaihau, Lihue (Puna), Kauai; Tax Map Key: (4) 3-9-006:001 (por) and 012

BACKGROUND:

In 1992, the Department of Transportation, Highways Division (DOT), requested the use of the subject lands, namely, Parcel 9 (0.458 acre), TMK (4) 3-9-6:12, and Parcel 10 (0.33 acre), TMK (4) 3-9-6:portion of 1 for contra-flow road purposes during peak hours until the completion of Kapaa By-Pass Road, which was at that time expected to take approximately ten years. On June 12, 1992, under agenda item F-14, the Board authorized the request.

In January 2007, DOT requested setting aside by Governor's Executive Order the above-referenced areas and some additional area, for a total of 1.841 acres. On February 9, 2007, under agenda item D-4, the Board amended its prior action and approved the request and construction right-of-entry for certain parcels. A copy of the approved submittal, dated February 9, 2007, is attached as Exhibit A1.

REMARKS:

DOT now requests additional area for the set aside to accommodate a revision in the improvement project. Staff indicates the latest requested area on the map attached as Exhibit B1. Furthermore, the construction right-of-entry area, mauka of the highway and shown on Exhibit B1, is to be deleted from the February 9, 2007 approval.

At the time of writing this submittal, pending is a DOT request for concurrence from the Division of State Parks relating to the subject request for additional area. Staff intends to supplement this submittal at the Board meeting with the decision of State Parks.

Staff did not solicit comments from other government agencies regarding the subject request since this is an amendment to a prior Board action to accommodate the revision in the area.

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

Sept. 14, 2007

EXHIBIT "A"

10-0120107

RECOMMENDATION: That the Board:

1. Amend its prior Board action of June 12, 1992, under agenda item F-14, and February 9, 2007, under agenda item D-4 by:
 - a. Revising the set aside area to that outlined in red shown on Exhibit B1; and
 - b. Removing the construction right-of-entry area as marked on Exhibit B1.
2. Other conditions in Board action of June 12, 1992, under agenda item F-14, and February 9, 2007, under agenda item D-4 shall remain valid.

Respectfully Submitted,

Barry Cheung
Barry Cheung
Land Agent

APPROVED FOR SUBMITTAL:

for Ken C Kawah
Laura H. Thielen, Interim Chairperson

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

February 9, 2007

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No: 07od-012

KAUAI

Amend Prior Board Action of June 12, 1992, Item F-14,
Authorization to Withdraw Land from the Operation of General
Lease No. S-4413 and Right-of-Entry to the Department of
Transportation, Highways Division for Contra-Flow Road
Purposes, Wailua, Kawaihau, Lihue (Puna), Kauai; Tax Map
Key: (4) 3-9-006:001 (por) and 012

BACKGROUND:

In 1992, the Department of Transportation, Highways Division (DOT) requested the use of the subject lands, namely, Parcel 9 (0.458 acre), TMK (4) 3-9-6:12, and Parcel 10 (0.33 acre), TMK (4) 3-9-6:portion of 1 for contra-flow road purposes during peak hours until the completion of Kapaa By-Pass Road, which was expected to take approximately ten years.

The subject lands were encumbered by Governor's Executive Order (EO) No. 2429 to the Division of State Parks (State Parks) and General Lease (GL) No. S-4413 to Lihue Plantation Company, Limited (Lessee). State Parks had no objections to the use proposed by DOT, and the Lessee agreed to the same request provided the rental under GL 4431 was reduced accordingly.

On June 12, 1992, under agenda item F-14, the Board authorized the subject request. A copy of the approved submittal is attached as Exhibit A. The approved right-of-entry (ROE) was to start from the date the subject area was withdrawn from GL 4413 and continue until the planned by-pass road was completed.

The document relating to the withdrawal of Parcels 9 & 10 was executed between the State and the Lessee on May 27, 1994.

Today's request is to amend the Board's prior action by authorizing a set aside of the subject lands, and extending the ROE until the requested EO is issued. A copy of the tax map is attached as Exhibit B for reference.

REMARKS:

Due to the changes in the traffic situation on Kauai and the need to improve the area, DOT requests setting aside the yellow and yellow-

EXHIBIT "A"

hatched red areas as shown on Exhibit C which consists of Parcels 9 & 10 mentioned above and some additional area, for a total of 1.841 acres ("subject area").

A portion of the subject area, (red-hatched yellow area shown on Exhibit C and identified by tax map key (4) 3-9-006:029 portion), is now encumbered by EO 3703, a set aside to State Parks for Wailua River State Park. DOT has discussed with State Parks and obtained State Parks' verbal agreement to the request. An EO withdrawing the red-hatched yellow area from EO 3703 is necessary before the set aside of the same area to DOT can proceed.

To facilitate the construction, DOT requests a ROE to some State lands, as outlined in blue on Exhibit C, for construction staging areas (blue areas). The blue areas are either under the jurisdiction of State Parks under EO 3703 or under Land Division. This ROE shall be scheduled to expire upon the completion of the construction.

Funding for the construction project is authorized by Act 160 SLH 2006, Item C-130. Invitation for bids and notice to proceed for the project are scheduled for August 2007 and February 2008 respectively. The construction will last approximately 30 months.

DOT will submit the legal description and survey map, and process any subdivision requirement (if necessary) for the subject request.

Further, pending the issuance of the requested EO, DOT requests an immediate ROE for the subject area. A copy of DOT's request is attached as Exhibit D.

Staff recommends the Board include language in the EO requiring DOT to repair and maintain all pre-existing and future infrastructure constructed on or servicing the subject area.

In view of DOT's current request, staff recommends the Board amend its prior action by:

- 1) Adding authorization for withdrawing red-hatched yellow area, the exact area to be determined by the Department of Accounting and General Services, Survey Division, from EO 3703;
- 2) Adding authorization to set aside the subject area to DOT for highway and related purposes;
- 3) Extending the term of the ROE for the subject area to expire three (3) years from today's Board meeting, or the issuance of the EO, whichever is earlier.
- 4) Granting an immediate construction ROE to DOT for the blue areas for a construction staging area, and the subject ROE to expire upon completion of construction.

RECOMMENDATION: That the Board:

1. Amend its prior Board action of June 12, 1992, under agenda item F-14 by adding the following Sections C, D and E to the

Recommendation Section:

- C. Approve of and recommend to the Governor the issuance of an Executive Order withdrawing the red-hatched yellow area mentioned in the "Remarks" section above from Governor's Executive Order No. 3703, subject to:
1. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 2. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 3. Review and approval by the Department of the Attorney General; and
 4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
- D. Approve of and recommend to the Governor the issuance of an Executive Order setting aside the subject area to Department of Transportation, Highways Division, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
1. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 2. The Department of Transportation, Highways Division (DOT) shall repair and maintain all pre-existing and future infrastructure improvements constructed on or servicing the subject area. If any portion of the subject area is ever returned to the Department of Land and Natural Resources ("DLNR") (upon any withdrawal or cancellation of this Executive Order), then at the request of DLNR, DOT shall remove all such pre-existing and future infrastructure improvements hereafter constructed, or alternatively, shall remain responsible for repair and maintenance of all such pre-existing and future infrastructure improvements, hereafter constructed, to perpetuity.
 3. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any

regular or special session next following the date of the set aside;

4. Review and approval by the Department of the Attorney General; and
 5. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
- E. Authorize the issuance of a right-of-entry for the blue areas shown on Exhibit C to Department of Transportation for Kuhio Highway Short Term Improvements, Wailua Cane Haul Bridge Widening Project, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
1. The standard terms and conditions of the most current right-of-entry form, as may be amended from time to time;
 2. Written concurrence by the Division of State Parks; and
 3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State."
2. Amend its prior Board action of June 12, 1992, under agenda item F-14 by replacing Section B.6 with the following:
- "6. This right-of-entry shall be effective from the date the subject area is withdrawn from General Lease No. S-4413 and continue until February 8, 2010, or the issuance of the Governor's Executive Order mentioned in Section D of the Recommendation Section, whichever is the earlier."
3. All other terms and conditions listed in its approval dated June 12, 1992, agenda item F-14, to remain the same.

Respectfully Submitted,

Barry Cheung

Barry Cheung
Land Agent

APPROVED FOR SUBMITTAL:

[Signature]
Peter T. Young, Chairperson

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
P. O. BOX 621
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

June 12, 1992

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii 96813

KAUAI

Subject: Authorization to Withdraw Land from the Operation of General Lease No. S-4413 and Right-of-Entry to the Department of Transportation, Highways Division for Contra-Flow Road Purposes, Wailua, Kawaihau, Lihue (Puna), Kauai, Tax Map Key: 3-9-06:1(Por.) and 12

STATUTE:

Chapter 171, Hawaii Revised Statutes, as amended.

APPLICANT:

DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION

FOR:

Portion of the Government (Crown) Land of Wailua, also being Cane Haul Road Right-of-Way Part 9 and Part 10 (Revised March 1961), Wailua, Lihue (Puna), Kauai, Tax Map Key: 3-9-06:1(Por) and 12 as shown outlined in red on map labeled Land Board Exhibit A, appended to the basic file.

PURPOSE:

Vehicular contra-flow traffic lane

LAND TITLE STATUS:

Subsection 5(b) lands, Admissions Act

AREA:

0.788 acres, subject to confirmation by the State Land Surveyor.

STATUS:

Encumbered by Governor's Executive Order No. 2429 to the Division of State Parks and by General Lease No. S-4413 to the Lihue Plantation Company, Limited.

approved as amended. Amendment:

1. DOT shall obtain subdivision approval from the County of Kauai for the withdrawal area and, submit to DLNR the aforesaid approval together with survey parcel map and description of said area.
2. Under recommendation B.B. add: -- "if required by DLNR, the DOT shall demolish the Wailua River Cane haul bridge."

ITEM F-14

ENCLOSURE 48

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii 96813
June 12, 1992

KAUAI

ZONING:

State Land Use Commission - Urban
County of Kauai CZO - Open

ENVIRONMENTAL IMPACT STATEMENT:

The subject disposition is exempt from the provision of Chapter 343, Hawaii Revised Statutes, as amended because it represents no change beyond that previously existing.

REMARKS:

The Department of Transportation, Highways Division has requested use of the subject area for a vehicular contra-flow lane during peak traffic hours until completion of the Kapaa By-Pass Road, which is expected to take approximately 10 years.

The Lihue Plantation Company, Limited has no objections to the proposed withdrawal from General Lease No. S-4413, provided, that the annual lease rental amount is reduced to reflect the portion of land withdrawn.

Also, the Division of State Parks has no objections to the proposed use by the Department of Transportation, Highways Division.

RECOMMENDATION: That the Board:

- A. Authorize the withdrawal of 0.788 acres from the operation of General Lease No. S-4413, subject to a proportionate reduction in the annual lease rental.

Subsequent to the above withdrawal,

- B. Grant a right-of-entry to the Department of Transportation, Highways Division to the subject property for vehicular contra-flow traffic lane purposes, subject to the following conditions:
1. The Department of Transportation, Highways Division, its contractor and/or its agent shall indemnify, defend and hold the State of Hawaii harmless for any loss, liability, claims or demand for property loss or personal loss or personal injury or death cause by or resulting from any act or omission of the contractor and/or agent in connection with the right granted herein;
 2. Applicable requirements of the federal, state and county governments shall be complied with and satisfied;
 3. The Department of Transportation, Highways Division shall provide the Department of Land and Natural Resources, Division of Land Management a site plan showing all design modifications to the old railroad bridge across the Wailua River and its approach roads. Said modifications are subject to the Chairperson's approval;

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii 96813
June 12, 1992

KAUAI

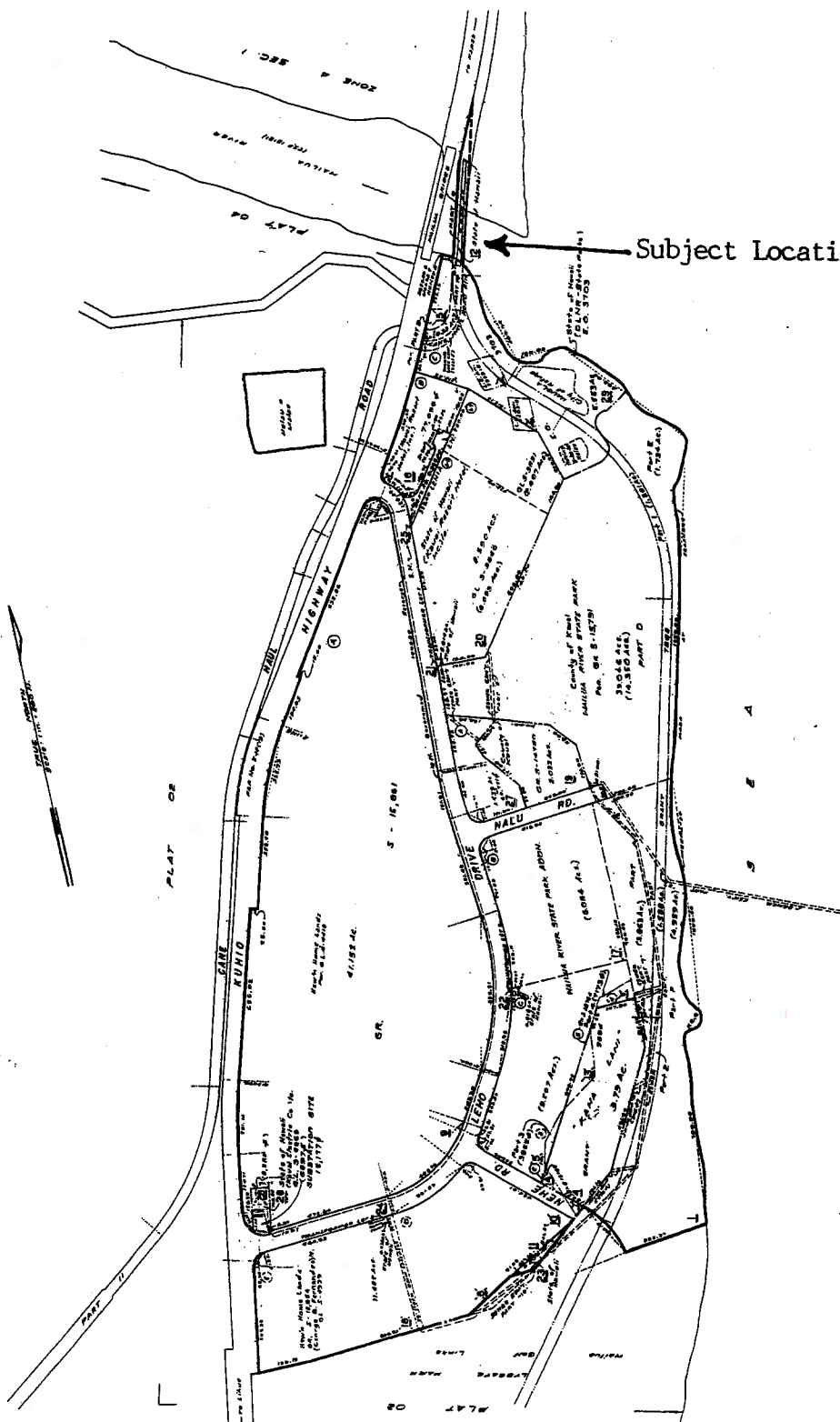
4. In the event burial sites, archeological or historical sites or artifacts are uncovered during the course of construction, work shall cease immediately and the Historic Preservation Office contacted in Honolulu;
5. Upon completion of any modifications, the hours of use as a vehicular contra-flow traffic lane by the Department of Transportation, Highways Division shall be from 6:00 a.m. to 8:00 a.m. and 3:30 p.m. to 5:30 p.m., Monday through Friday. Any changes to the above hours of operation of the subject road as a vehicular contra-flow traffic lane shall require the Chairperson's approval;
6. This right-of-entry shall be effective from the date the subject area is withdrawn from General Lease No. S-4413 and continue until the planned by-pass road is completed;
7. During the effective period of the right-of-entry, the Department of Transportation, Highways Division shall maintain the bridge across the Wailua River and its approach roads from Kuhio Highway in a condition that will effectuate the safe public passage of vehicular traffic;
8. Upon the expiration or cancellation of this right-of-entry, and/or abandonment of the premises for vehicular contra-flow traffic lane purposes, the Department of Transportation shall restore the premises to a condition acceptable to the Department of Land and Natural Resources;
9. Such other conditions as may be prescribed by the Chairperson.

Respectfully submitted,

W. Mason Young
W. MASON YOUNG
for Land Management Administrator

APPROVED FOR SUBMITTAL:

William W. Paty
WILLIAM W. PATY, Chairperson



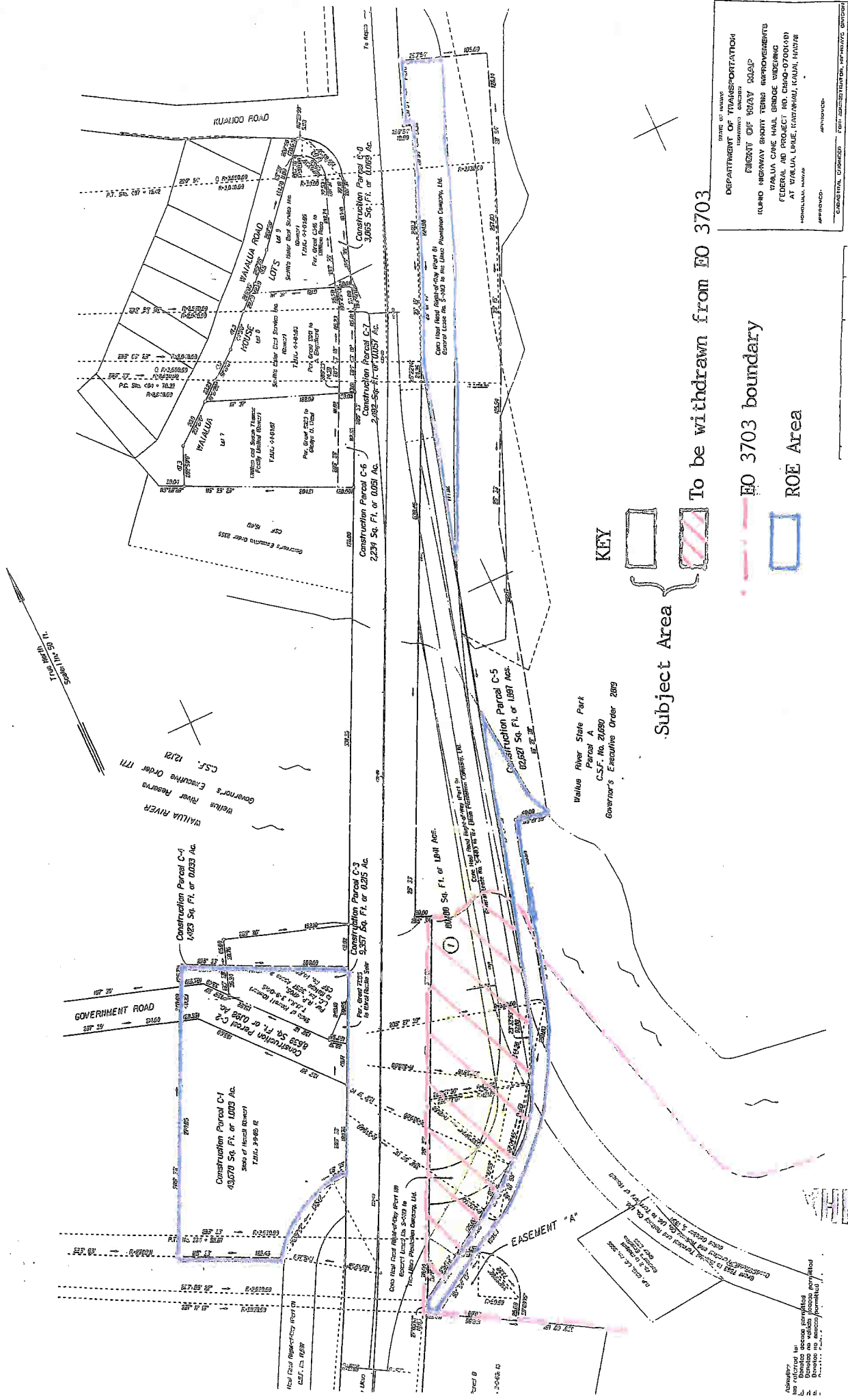
Subject Location

DEPARTMENT OF TAXATION
 TAXATION MAPS BUREAU
 STATE OF HAWAII
 COUNTY OF KAUAI
 MAP NO. 100-100
 SHEET 1 OF 1
 3 9 06

FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE

MALUA RESORT SITE, MALUA, LINNE, KAUAI (Form No. 3-9-02)

EXHIBIT "B"

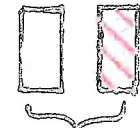


To be withdrawn from EO 3703

EO 3703 boundary

ROE Area

KEY



Subject Area



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
PROJECT OF 2024 034P
KULUO HIGHWAY SHORT TERM IMPROVEMENTS
WAILUA CAME HALL BRIDGE WIDENING
FEDERAL RD PROJECT NO. CHAD-07001(48)
AT WAILUA LANE, HAWAIIAN ISLANDS
HONOLULU, HAWAII
APPROVED:
CONSTRUCTION CONTRACT - FOR INFORMATION, INFORMATION ONLY

Wailua River State Park
Parcel A
C.S.F. No. 21680
Governor's Executive Order 2089

EXHIBIT 2

As shown on the map, the area is subject to the same conditions as the area shown on the map. The area is subject to the same conditions as the area shown on the map.

LINDA LINGLE
GOVERNOR



BARRY FUKUNAGA
INTERIM DIRECTOR

DEPUTY DIRECTORS
FRANCIS PAUL KEENO
BRENNON T. MORIOKA
BRIAN H. SEKIGUCHI

HIGHWAY DESIGN BRANCH, ROOM 688A
BRIDGE DESIGN SECTION, ROOM 611
CADASTRAL DESIGN SECTION, ROOM 600
HIGHWAY DESIGN SECTION, ROOM 609
HYDRAULIC DESIGN SECTION, ROOM 636
TECHNICAL DESIGN SERVICE, ROOM 688

RIGHT-OF-WAY BRANCH, ROOM 691

TRAFFIC BRANCH, ROOM 602

MOTOR VEHICLE SAFETY OFFICE, ROOM 511

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION AT KAPOLEI
601 KAMOKILA BOULEVARD, ROOM 691
KAPOLEI, HAWAII 96707


IN REPLY REFER TO:

HWY-R
3.84597

January 23, 2007

RECEIVED
LAND DIVISION
2007 JAN 25 P 3:06

TO: RUSSELL TSUJI, ADMINISTRATOR
DEPARTMENT OF LAND AND NATURAL RESOURCES-
LAND DIVISION

FROM: DEAN K. YOGI 
RIGHT-OF-WAY MANAGER

SUBJECT: KUHIO HIGHWAY SHORT TERM IMPROVEMENTS, WAILUA CANE
HAUL BRIDGE WIDENING, TMK: (4) 3-9-06: POR. 1 AND 12,
PROJECT NO. CMAQ-0700(49) AT WAILUA, LIHUE, KAWAIHAU, KAUAI,
HAWAII

We request to amend a prior Board of Land and Natural Resources (BLNR) action dated June 12, 1992, authorizing withdrawal of lands from the operations of General Lease No. S-4413 and grant a Right-of-Entry to the Department of Transportation, Highways Division (DOT), for Contra-Flow Road Purposes. Due to changes in the traffic situation on Kauai and the need to improve the area, we request a formal withdrawal and set aside of Parcel 1 to DOT, by issuance of Governor's Executive Order, as shown on attached map, having an approximate area of 1.841 acres, and more particularly identified as being a portion of Tax Map Key No. (4) 3-9-06.

A copy of the final Right-of-Way Map will be forwarded to you upon completion, including metes and bounds description of the parcel. During the interim, pending issuance of the requested GEO, we request BLNR grant DOT immediate Right-of-Entry and possession of Parcel 1 in order that construction of the project can proceed without delay. If our request meets with your approval, please sign, date and return to us the Consent portion of the duplicate copy of this Memorandum within forty-five (45) days of the date of this letter.

Funding for the construction of the project is authorized by Act 160 SLH 2006, Item C-130.

A Final Environmental Assessment and Finding of No Significant Impact (FEA/FONSI) is currently being completed for this project.

EXHIBIT "D"

Russell Tsuji, Administrator
Page 2
January 23, 2007

HWY-R
3.84597

Estimated scheduling for the construction of the project is as follows:

Ready to Advertise: August 2007
Bid Opening: September 2007
Notice to Proceed: February 2008
Duration of Construction: Approximately 30 months

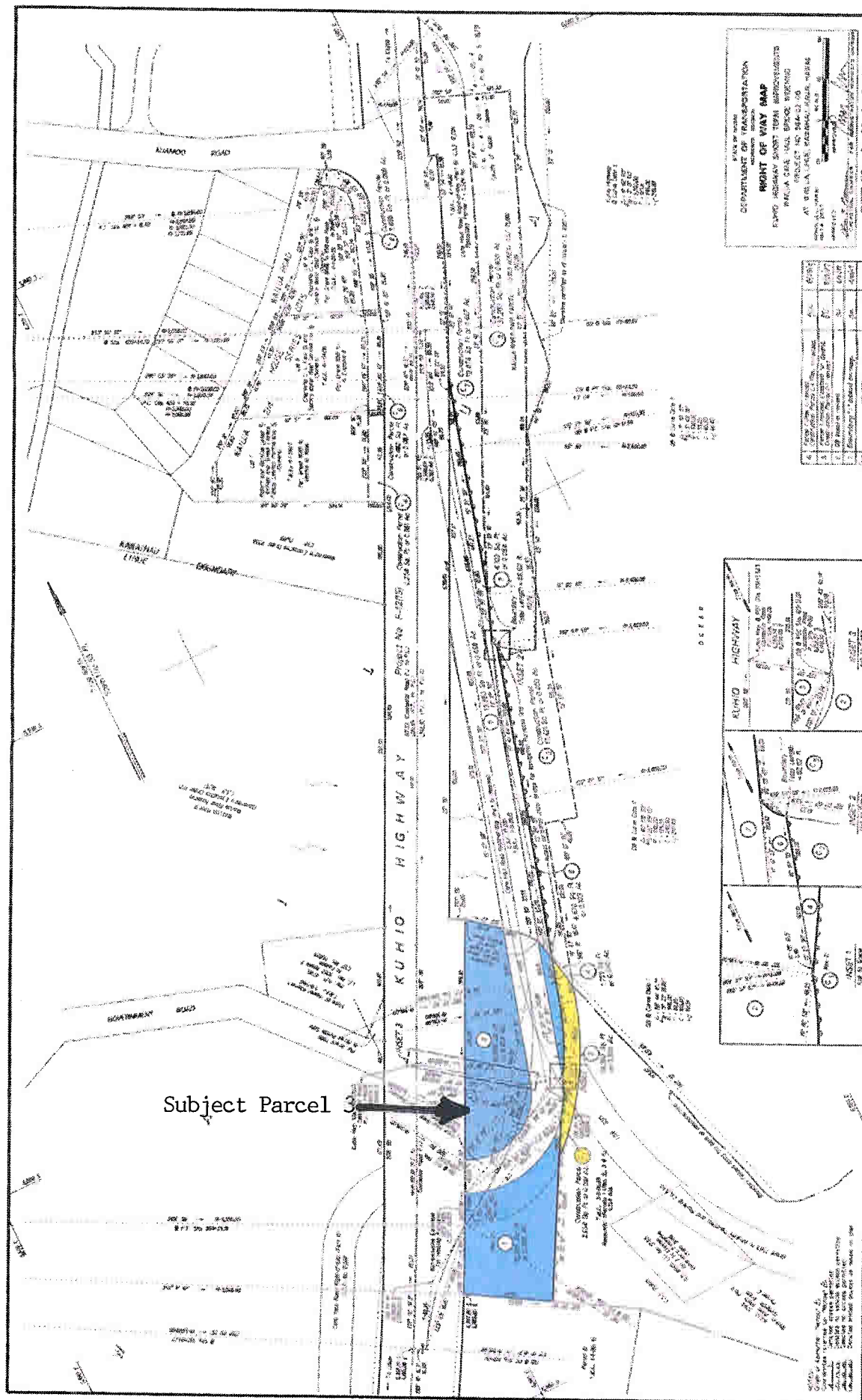
We request your expeditious efforts in approving our request. Thank you for your cooperation and attention to this request.

If there are any questions, please call me at 692-7325.

2 Enclosures

1. Preliminary Right-of-Way Map
2. Duplicate Copy of this Memorandum

c:\DLNR - Kauai (Tommy Oi) w/ enclosure #1



ATTACHMENT 3

EXHIBIT "B"